

1. Timeliness. This response is being filed within the timeline established by the Presiding Officer.
2. Position on Motion. The Defense motion requesting modification of the inception date in Charges 1, 2 and 3 to October 7, 2001 should be denied.
3. Overview. The United States is engaged in an ongoing international armed conflict with al Qaida that has been in existence since the early 1990s.
4. Legal Authority. The following legal authority has been cited in support of this response:
  - a. President's Military Order of November 13, 2001
  - b. Hamdi v. Rumsfeld 124 S.Ct. 2633 (2004)
  - c. United States v Curtiss-Wright Export Corp. 299 U.S. 304, 320 (1936)
  - d. Verano v DeAngelis Coal Co. 41 F.Supp 954, 954 (M.D.Pa.1941).
  - e. Joint Resolution of Congress to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States
  - f. United States v. Hirabayashi 46 F. Supp. 657, 661 (D. Wash. 1942)
  - g. The Case of S.S. Lotus (France v. Turkey) P.C.I.J. Ser. A, No. 10 at 19 (1927)
  - h. In re Extradition of Demjanjuk 612 F. Supp. 544 (N.D.O.H.1985)
  - i. Geneva Convention I, Art. II (1949)

- j. Prosecutor v Dusko Tadic, *Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction*, paragraph 67, International Criminal Tribunal in Yugoslavia, 2 October 1995
- k. Rome Statute of the International Criminal Court, Article 8.2(f);
- l. Prosecutor v Kunarac, *Judgment*, paragraph 56, International Criminal Tribunal in Yugoslavia, 12 June 2002
- m. Jeffrey Addicott, *TERRORISM LAW: THE RULE OF LAW AND THE WAR ON TERROR*, pg 12, 23-25 (2d ed. 2004)
- n. United States v. Rockwood 48 M.J. 501, 508 n.14 (A.Ct.Crim. App.1998)
- o. El-Shifa Pharmaceutical. Industry. Corporation. v. United States, 55 Fed. Cl. 751, 771-772. (Fed.Cl.2004).
- p. DoD Military Comission Instruction No. 2
- q. Geneva Convention I, Article II, 1949.
- r. Braverman v. United States 317 U.S. 49, 53 (1942)
- s. United States v. Rucker 586 F.2d 899, 906 (2d Cir. 1978)
- t. United States v. Diaz 176 F.3d 52, 98 (2d Cir.1999)
- u. United States v Rivera-Santiago 872 F.2d 1073, 1079 (1<sup>st</sup> Cir.1989)
- v. United States v. Jimenez Recio 537 U.S. 270, 276 (2003)
- w. Carlson v United States 187 F.2d 366, 370 (1951)
- x. United States v. Hersh 297 F.3d 1233, 1244-45 (11<sup>th</sup> Cir. 2002)

## 5. Facts.

- a. As the United States Supreme Court succinctly stated in Hamdi v. Rumsfeld, 124 S.Ct. 2633 (2004):

On September 11, 2001, the al Qaida terrorist network used hijacked commercial airliners to attack prominent targets in the United States. Approximately 3,000 people were killed in those attacks. One week later, in response to these ‘acts of treacherous violence,’ Congress passed a resolution authorizing the President to ‘use all necessary and appropriate force against those nations, organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations,

organizations or persons.’ Authorization for Use of Military Force (‘the AUMF’), 115 Stat 224. Soon thereafter, the President ordered United States Armed Forces to Afghanistan, with a mission to subdue al Qaeda and quell the Taliban regime that was known to support it.<sup>1</sup>

*Id.* at 2635.

b. The international community immediately recognized the attacks of September 11, 2001 as an act of war, and invoked provisions of international treaties applicable to international armed conflict. *See, e.g.*, UN Security Council Resolution 1368 of 12 September 2001; NATO Press Release, 12 September 2001; White House Press Release, September 14, 2001.<sup>2</sup>

c. On September 20, 2001, President Bush, in an address to the Joint Session of Congress and the American people,<sup>3</sup> noted that the September 11 attacks constituted “an act of war against our country.”<sup>4</sup> He also condemned the Taliban regime and put it on notice that it must either assist in bringing the terrorists to justice or “share in their fate.”<sup>5</sup> Warning the American public to expect “a lengthy campaign, unlike any other we have ever seen,”<sup>6</sup> the President delivered a message to the United States military: “Be ready. I’ve called the Armed Forces to alert, and there is a reason. The hour is coming when America will act, and you will make us proud.”<sup>7</sup>

d. Indeed, the September 11 attacks on the United States were an act of war, sparking the commencement of major combat operations in Afghanistan against the al Qaida network and the Taliban regime, known as Operation Enduring Freedom. But the war did not leap into existence on September 11, 2001. This war – declared and waged by al Qaida against the United States – has existed since the early 1990s.<sup>8</sup> As a Federal Claims Court has stated, “Certainly the terrorist attacks that have followed, if not preceded, the 1998 embassy bombings – the 1996 bombing of the military barracks at Khobar Towers, Saudi Arabia, the 2000 suicide attack on the U.S.S. Cole in Yemen, and most tragic and violent of all, the attacks on our own soil of the Pentagon, the World Trade Center, and in Pennsylvania – are sufficient to confirm the President’s assertion that a state of war exists between the United States and [al Qaida].” El-Shifa Pharmaceutical Industry Corporation. v. United States, 55 Fed. Cl. 751, at 771-772. (Fed. Cl. 2004).

e. On October 7, 2001, the President announced that on his orders, the U.S. military had “begun strikes against al Qaeda terrorist training camps and military installations of

---

<sup>1</sup> *Id.* at 2635.

<sup>2</sup> Available at [www.whitehouse.gov/news/releases/2001/09/20010914-12.html](http://www.whitehouse.gov/news/releases/2001/09/20010914-12.html).

<sup>3</sup> Address to a Joint Session of Congress and the American People of September 20, 2001, available at [www.whitehouse.gov/news/releases/2001/09/20010920-8.html](http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html)

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Final Report of the National Commission on Terrorist Attacks Upon the United States, Authorized Edition (2004), at 46, 48, 59.

the Taliban regime in Afghanistan.”<sup>9</sup> Operations in Afghanistan continue,<sup>10</sup> as do worldwide operations against al Qaida.<sup>11</sup>

## 6. Discussion

*“When lawless wretches become so impudent and powerful as not to be controlled and governed by the ordinary tribunals of a country, armies are called out, and the laws of war invoked.”*

-Attorney General James Speed, 1865

11 Op. Atty Gen. 297 (1865).

The United States is engaged in a war against the international terrorist group known as al Qaida. This is an international armed conflict that has existed between al Qaida and the United States since the early 1990s and continues to date. Al Qaida has operations worldwide, and has attacked in diverse parts of the globe, to include East Africa, Yemen, and the United States. Afghanistan is but one theatre in this ongoing conflict. The operations levied against the Taliban regime were only necessary after the Taliban refused to turn over Usama bin Laden and others responsible for the September 11<sup>th</sup> attacks, and for its support of al Qaida’s terrorist operations within their borders.

### **a. The President has the authority to declare war against al Qaida as a non-state actor and to prosecute those who violate the laws of war**

As the President of the United States expressly declared in his Military Order of November 13, 2001 (Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism), “International terrorists, including members of the al Qaida, have carried out attacks on United States diplomatic and military personnel and facilities abroad and on citizens and property within the United States *on a scale that has created a state of Armed Conflict that requires the use of the United States Armed Forces.*” The President also determined that the individuals subject to his order were to be tried for violations of the laws of war and other applicable laws by military tribunals. See President’s Military Order of November 13, 2001, section 1(a) & 1 (e).

The President, in his constitutional role as Commander in Chief, and through his broad authority in the realm of foreign affairs, has the full authority to determine when the Nation has been thrust into a conflict that must be recognized as a war and treated under the laws of war. See United States v Curtiss-Wright Export Corp., 299 U.S. 304, 320 (1936). The President’s decision to recognize that an armed conflict exists is a political question. “It is the well-settled law that the existence of a condition of war must be determined by the political department of the government; that the courts take judicial

---

<sup>9</sup> Presidential Address to the Nation of October 7, 2001, available at [www.whitehouse.gov/news/releases/2001/10/20011007-8.html](http://www.whitehouse.gov/news/releases/2001/10/20011007-8.html).

<sup>10</sup> *See, e.g.,*

<sup>11</sup> *See, e.g.,* Remarks as Delivered by Secretary of Defense Rumsfeld, New York City, New York, October 4, 2004 (the war against al Qaida “will likely go on for years”).

notice of such determination and are bound thereby.” Verano v DeAngelis Coal Co. 41 F.Supp 954, 954 (M.D.Pa.1941).

The President, in his order of 13 November 2001, declared that he was acting pursuant to both his authority as Commander in Chief of the Armed Forces under the Constitution and under the “Authorization for Use of Military Force” given him by Congress. Congress, in its Joint Resolution to “authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States” also found that the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States, and expressly authorized the President to use “all necessary and appropriate force *against those nations, organizations, or persons* he determines planned, authorized, committed or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.” See Joint Resolution of Congress to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States (emphasis added). It has therefore been clearly established that both the President and Congress recognize the President’s inherent authority as Commander in Chief to prosecute an armed conflict against not only nations, but organizations and persons as well.

The President’s decision to treat the conflict with al Qaida as an armed conflict, despite al Qaida not being a “state actor”<sup>12</sup> falls within his discretion as Commander in Chief and is inherent in his war powers. “War powers are to be construed broadly...” and “the power to wage war is the power to wage war successfully.” See United States v. Hirabayashi, 46 F. Supp. 657, 661 (D. Wash. 1942) *citing* Hamilton v. Kentucky Distilleries & Warehouse Co. 251 U.S. 146 (1919).

Under his war powers as Commander in Chief, the President has the Constitutional authority<sup>13</sup> to determine that an armed conflict exists with al Qaida, a non-state actor. Deciding to wage war on a non-state actor is not a novel position in our Nation’s history:

---

<sup>12</sup> ...It is clear from the actions of the United Nations, the United States and the North Atlantic Treaty Organization that the events of September 11<sup>th</sup>, 2001 were internationally considered an “armed attack” on the United States. The unprecedented armed attack determination was significant because it, in turn, immediately signaled that the United States intended to frame the terror attack as an event equivalent to an “act of war” under international law. The use of terms “war” or “act of war” traditionally refers to the use of aggressive force against a sovereign State by another State in violation of the United Nations Charter and customary international law. The United States Congress passed a “Use of Force” resolution and the President labeled the attack “an act of war.” The United Nations, in Security Council Resolution 1368, also recognized the inherent right of the individual or collective self-defense in accordance with its Charter. Al Qaida, with many indices of a State, excepting one (stable geographic limitations) was being treated as a “virtual state.” For all intents and purposes al Qaida is a “virtual State,” which is defined as having “many characteristics of the classic nation-State, but able to walk in the shadows of international law because it has no fixed national boundaries...The al Qaida virtual State has a military, a treasury, a foreign policy, and links to other nation-states.” Jeffrey Addicott, Terrorism Law: The Rule of Law and the War on Terror pp. 12, 23-25 (2004).

<sup>13</sup> *U.S. Const., art. II, §2.*

Military action against the Greytown's quasipolitical enemy and President Jefferson's military force against the Barbary Pirates on the shores of Tripoli are other historical examples of military force against loosely organized non-state enemies. And it follows that the President as Commander in Chief can conclusively designate by his actions a state of war, so he can also designate as Commander in Chief the identity of the enemy targets for the purposes of applying military force or engaging in combat activities.

The Prize Cases, 67 U.S. 635 (1862), recognize that the President's declaration of a blockade - of the Confederate ports - is an act of war which is conclusive of the question of whether a state of war exists, whether or not war is formally declared by Congress. *id.* at 668. The court saw no difference between the nature of that war - between nations, or between a nation and insurgents. Similarly, we are not bound by formality here. See United States v. Rockwood, 48 M.J. 501, 508 n.14 (Army Ct. Crim. App. 1998) ("when courts have decided whether 'time of war' exists for various purposes, they have generally looked to both the fact of actual hostilities and the recognition of such a state, not necessarily through a declaration of war, by the executive and legislative branches. (citations omitted).

We do not regard a war against a non-state, non-insurgent group - stateless terrorists - to be any less a war. See generally Jeffrey F. Addicott, *Legal and Policy Implications for a New Era: The "War on Terror,"* 4 Scholar 209, 209-225 (2002). Certainly the terrorist attacks that have followed, if not preceded, the 1998 embassy bombings - the 1996 bombing of the military barracks at Khobar Towers, Saudi Arabia, the 2000 suicide attack on the U.S.S. Cole in Yemen, and most tragic and violent of all, the attacks on our own soil of the Pentagon, the World Trade Center, and in Pennsylvania - are sufficient to confirm the President's assertion that a state of war exists between the United States and those same terrorists determined to have been operating a weapons-related factory in Khartoum. *id.* at 240 n.183.

El-Shifa Pharmaceutical. Industry. Corporation. v. United States, 55 Fed. Cl. 751, at 771-772. (Fed. Cl. 2004).

Under his war powers as Commander in Chief, the President not only has the Constitutional authority to determine that an armed conflict exists with al Qaida, a non-state actor, and to determine that the laws of war should apply to the conflict, but nothing under international law prohibits him from doing so. Under principles of international law, states have a "wide measure of discretion which is only limited in certain cases by prohibitive rules." The Case of S.S. Lotus (France v. Turkey), P.C.I.J. Ser. A, No. 10 at 19 (1927). The *Case of the S.S. Lotus* stands for the proposition that a state may act as it wishes in regard to its sovereign interests, provided nothing in international law specifically prohibits it. In other cases, every state remains "free to adopt the jurisdictional principles which it regards as best and most suitable." *Id.* There is no prohibition under international law against the United States waging war with, or applying the laws of armed conflict to, a non-state actor such as al Qaida. "The power to try and punish an offense against the common law of nations, such as the law and customs of war, stems from the sovereign character of each independent state, not from the state's relationship to the perpetrator, victim or act." In re Extradition of Demjanjuk, 612 F. Supp. 544 (N.D.O.H.1985) citing United States v. Brust at 6, Case No. 000-

Mauthausen-7 (DJAWC, Sept. 19, 1947), aff'd, War Crimes Board of Review, Office of the Judge Advocate (Nov. 6, 1947).

**b. An armed conflict exists under international law whenever there is a resort to protracted armed violence between governmental authorities and organized armed groups**

In the first international criminal tribunals held since World War II, the International Criminal Tribunal for the former Yugoslavia (hereinafter "ICTY") came to one concise definition of when an armed conflict exists for purposes of applying international law: "An armed conflict exists whenever there is a resort to armed force between states or protracted armed violence between states *or protracted armed violence between governmental authorities and organized armed groups*, or between such groups within the states.... International humanitarian law applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached; or, in the case of internal conflicts, a peaceful settlement is achieved." Prosecutor v Dusko Tadic, *Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction*, paragraph 67, International Criminal Tribunal for the Former Yugoslavia, 2 October 1995 (Cassese, J). This definition has become the generally accepted definition of armed conflict in international law. See Rome Statute of the International Criminal Court, Article 8.2(f)<sup>14</sup>; see also Prosecutor v Kunarac, *Judgment*, paragraph 56, International Criminal Tribunal for the Former Yugoslavia, 12 June 2002.

The Appeals Chamber of the International Criminal Tribunal for Former Yugoslavia did the following analysis of the events that occurred in Yugoslavia to see whether the circumstances could be considered, under its definition, to be armed conflict:

Applying the foregoing concept of armed conflicts to this case, we hold that the alleged crimes were committed in the context of an armed conflict. Fighting among the various entities within the former Yugoslavia began in 1991, continued through the summer of 1992 when the alleged crimes are said to have been committed, and persists to this day. Notwithstanding various temporary cease-fire agreements, no general conclusion of peace has brought military operations in the region to a close. These hostilities exceed the intensity requirements applicable to both international and internal armed conflicts. There has been protracted, large-scale violence between the armed forces of different States and between governmental forces and organized insurgent groups. Even if substantial clashes were not occurring in the Prijedor region at the time and place the crimes allegedly were committed – a factual issue on which the Appeals Chamber does not pronounce – international humanitarian law applies. It is sufficient that the alleged crimes were closely related to the hostilities occurring in other parts of the territories controlled by the parties to the conflict. There is no doubt that the allegations at issue here bear the required relationship....In light of the foregoing, we

---

<sup>14</sup> In fact, although the United States is not party to the ICC, as of 27 September 2004, 97 countries are States parties to the Rome Statute of the International Criminal Court and have accepted this definition. <http://www.icc-cpi.int/statesparties.html>

conclude that, for the purposes of applying international humanitarian law, the crimes alleged were committed in the context of an armed conflict.

Id. at paragraph 10.

**c. The war with Al Qaida began well before January 2001**

DoD Military Commission Instruction No. 2 (hereinafter “MCI No. 2), paragraph 5(C) defines the phrase “in the context of and was associated with armed conflict” as follows:

Elements containing this language require a nexus between the conduct and armed hostilities. Such nexus could involve, but is not limited to, time, location, or purpose of the conduct in relation to the armed hostilities. The existence of such factors, however, may not satisfy the necessary nexus (e.g., murder committed between members of the same armed force for reasons of personal gain unrelated to the conflict, even if temporally and geographically associated with armed conflict). The focus of this element is not the nature or characterization of the conflict, but the nexus to it. This element does not require a declaration of war, ongoing mutual hostilities, or confrontation involving a regular national armed force. A single hostile act or attempted act may provide sufficient basis for the nexus so long as its magnitude or severity rises to the level of an “armed attack” or an “act of war,” or the number, power, stated intent or organization of the force with which the actor is associated is such that the act or attempted act is tantamount to an attack by an armed force. Similarly, conduct undertaken or organized with knowledge or intent that it initiate or contribute to such hostile act or hostilities would satisfy the nexus requirement.

DoD Military Commission Instruction No. 2, para. 5(C).

This definition matches the principles, definitions and analysis of Tadic regarding whether conduct has a nexus to armed conflict. This is a proper definition for the Commission Members to use in determining whether acts were committed “in the context of and associated with armed conflict.”

Precisely when the armed conflict with al Qaida began is a question of fact to be determined at trial. At trial, the Prosecution will show that as early as 1991, Usama bin Laden and other al Qaida leaders began to make statements that al Qaida’s primary purpose was to attack the United States, and that al Qaida began taking acts in furtherance of that purpose. Although the United States Government did not specifically know of al Qaida’s existence prior to 1996, the evidence now shows that al Qaida had been plotting and conspiring to kill U.S. service members for nearly five years prior to the United States learning of the group’s existence.

As a general proposition, the laws of war apply in all cases of declared war or armed conflict, even if the state of war is not recognized by one of the parties. See Geneva Convention I, Art. II (1949). Following this logic, as well as the definition in



MCI No. 2, the focus of inquiry in determining the existence of armed conflict is the intent of the attacker – al Qaida – rather than the United States.

Evidence at trial will show that the first operation that al Qaida executed against the United States dates back at least to 1993. Starting around 1992, Usama bin Laden and other al Qaida leaders made a number of private declarations against the United States that were disseminated amongst members of the al Qaida network. In 1996, after relocating al Qaida to Afghanistan, Usama bin Laden publicly declared war on the United States. In this *fatwa*, he declared that all Muslims have the duty to kill U.S. service members in the Arabian Peninsula. In 1998, he issued another *fatwa*, broadening this call to murder to civilians wherever they may find them. Attacks committed by al Qaida included attacks on the U.S. Embassies in Kenya and Tanzania in 1998, on U.S.S. Cole in 2000, and on the United States. Thousands perished as a result of these and other brutal attacks.

Applying the MCI No. 2 and Tadic definition, these facts quickly add up to the existence of armed conflict. The Defense assertion that the armed conflict began on 7 October 2001 simply is not supported by the facts or the law.

**d. The crimes charged against the accused were all committed during a period of time when the laws of war governed**

Furthermore, regardless of when the armed conflict actually began, overt acts to a conspiracy charge can pre-date the crime itself. An overt act need not be itself criminal, but it must advance the purpose of the conspiracy. MCI No. 2 para. 6(C)(6)(b)(4). This is a long established judicial standard: an overt act “may be that of only a single one of the conspirators and need not be itself a crime.” Braverman v. United States 317 U.S. 49, 53 (1942), *citing* Bannon v. United States, 156 U.S. 464, 468-9 (1895); *See also* United States v. Collier 14 M.J. 377, 378 (C.M.A.1983).

Conspiracy is a continuing crime. This conclusion derives from the well-established principles that (1) a conspiracy continues “until its aim has been achieved, it has been abandoned, or otherwise terminated,” United States v. Rucker, 586 F.2d 899, 906 (2d Cir. 1978); and (2) absent withdrawal, a conspirator’s “participation in a conspiracy is presumed to continue until the last overt act by any of the conspirators.” United States v. Diaz, 176 F.3d 52, 98 (2d Cir.1999). “A conspiracy is a continuum. Once a participant knowingly helps initiate the agreement and sets it in motion, he assumed conspirator’s responsibility for the foreseeable actions of his confederates within the scope of the conspiratorial agreement, whether or not he is aware of precisely what steps they plan to take to the accomplish the agreed goals.” United States v Rivera-Santiago 872 F.2d 1073, 1079 (1<sup>st</sup> Cir.1989). The Supreme Court has also endorsed the view that a conspiracy “terminates when the crime or crimes that are its object are committed” or when the relevant “agreement . . . is abandoned....” United States v. Jimenez Recio, 537 U.S. 270, 276 (2003) *citing* American Law Institute’s Model Penal Code § 5.03, p. 384 (1985).

Absent withdrawal by the Accused, all of the overt acts taken by the Accused or another co-conspirator, regardless of the date acts were undertaken, and regardless of exactly when it may be that the laws of war governed the conduct, are relevant to show the conspiracy in action and the Accused's participation therein. Since conspiracy is a continuing crime, courts have even held that overt acts taken in furtherance of a conspiracy *before the conspiracy became illegal*, were relevant to prove the defendant's intent in a conspiracy once it becomes illegal, providing at least one overt act was taken after the conspiracy was made illegal. See United States v. Hersh, 297 F.3d 1233, 1244-1245 (11<sup>th</sup> Cir. 2002). (The indictment alleged 17 overt acts in furtherance of the conspiracy, only two of which were illegal when they occurred. The Eleventh Circuit concluded that there was no *ex post facto* concerns in that particular case and utilized the defendant's overt acts prior to the conspiracy becoming illegal to establish the defendant's intent). See Hersh 297 F.3d at 1247. "The overt acts merely manifest that the conspiracy is at work." Carlson v United States 187 F.2d 366, 370 (1951) *citing* United States v. Offutt 75 U.S.App.D.C. 344 (1942). Hence, regardless of when evidence at trial demonstrates that armed conflict commenced, the overt acts alleged are still properly charged.

**e. Conclusion**

When the armed conflict began is a factual determination that the Commission Members will make after evidence has been presented on the merits. As outlined, the Prosecution asserts that armed conflict began years prior to the Accused's alleged involvement beginning in January 2001. Accordingly, the Defense motion should be denied.

7. Oral Argument. If the Defense is permitted oral argument, the Prosecution requests to respond.

8. Additional Information. None.

9. Witnesses/Evidence.

- a. Transcript, President Clinton's Press Conference August 20, 1998  
<http://www.clintonpresidentialcenter.org/legacy/082098-speech-by-president-address-to-nation-on-terror.htm>
- b. Transcript, General Shelton's briefing on the missile strikes in Sudan and Afghanistan, 20 August 2004 [http://www.pbs.org/newshour/bb/military/july-dec98/cohen\\_8-20.html](http://www.pbs.org/newshour/bb/military/july-dec98/cohen_8-20.html)
- c. Letter from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council 2/1998/780, 20 August 1998 <http://www.jb.law.uu.nl/jb-vol/US-SC.pdf>

d. Joint Resolution by Congress to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107\\_cong\\_public\\_laws&docid=f:publ040.107](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ040.107)

e. Transcript, President Bush's address of 7 October 2001 announcing the beginning of strikes against al Qaida training camps and military installations of the Taliban regime in Afghanistan.  
<http://www.whitehouse.gov/news/releases/2001/10/20011007-8.html>

f. Statement by NATO invoking Article 5 of the Washington Treaty  
<http://www.nato.int/docu/pr/2001/p01-124e.htm>

g. United Nations Resolution 1368  
<http://ods-dds-ny.un.org/doc/UNDOC/GEN/N01/533/82/PDF/N0153382.pdf>

h. Department of Defense Operation Enduring Freedom Timeline & related links  
[www.defenselink.mil/home/features/1082004a.html](http://www.defenselink.mil/home/features/1082004a.html)

//Original Signed//

XXXX  
Lieutenant Colonel, U.S. Marine Corps  
Prosecutor